## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CENTURY INDEMNITY COMPANY (as successor to CCI INSURANCE COMPANY, as successor to INSURANCE COMPANY OF NORTH AMERICA) and INSURANCE COMPANY OF NORTH AMERICA,	) ) ) ) ) C:	ase No. 1:15-CV-04542
Plaintiffs,	) ) Ju )	dge Edmond E. Chang
v.	) )	
CATERPILLAR INC. (as successor to Caterpillar Tractor Co.),	) ) )	
Defendant.	) ) )	

## CATERPILLAR'S MOTION FOR LEAVE TO FILE MOTION AND EXHIBIT UNDER SEAL

Defendant Caterpillar Inc. ("Caterpillar") moves this Court for an Order permitting

Caterpillar to file its Memorandum of Law in Support of its Motion to Dismiss Plaintiffs Century

Indemnity Company and Insurance Company of North America's Complaint, and Exhibit A

attached thereto, under seal. In support of this Motion, Caterpillar states:

1. In order for the Court to rule on Caterpillar's Motion to Dismiss, the Court must review and enforce the terms of a Confidential Settlement Agreement and Partial Policy Release entered into between Caterpillar and Plaintiffs Century Indemnity Company and Insurance Company of North America ("Settlement Agreement"). As a result, Caterpillar has quoted from the Settlement Agreement in its Memorandum of Law in Support of its Motion to Dismiss and also attached a copy of the Settlement Agreement as Exhibit A to the Memorandum.

- 2. The express terms of the Settlement Agreement require that it be kept confidential. Specifically, Paragraph 5(a) requires, among other things, that if a party to the Settlement Agreement is required to disclose part or all of the terms of the Settlement Agreement in court papers, the party must request that any documents including or describing the Settlement Agreement be filed under seal or lodged in camera so as not to become part of the public record. Accordingly, Caterpillar requests leave from the Court to file its Memorandum of Law in Support of its Motion to Dismiss, and Exhibit A attached thereto, under seal.
- 3. Caterpillar has filed a public redacted version of its Memorandum of Law and will deliver to the Court and counsel for the parties an unredacted copy of the Memorandum and exhibits.

WHEREFORE, Caterpillar respectfully requests that the Court grant Caterpillar leave to file its Memorandum of Law in Support of its Motion to Plaintiffs' Complaint, and attached Exhibit A, under seal, and grant such other and further relief as justice may require.

Dated: September 2, 2015 Respectfully Submitted,

By: <u>/s/ Anand C. Mathew</u>

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## **CERTIFICATE OF SERVICE**

I, Anand C. Mathew, an attorney, hereby certify that on September 2, 2015 I caused a copy of the foregoing to be served via CM/ECF upon all counsel of record.

/s/ Anand C. Mathew